

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/C/2009/001671/6640
Complaint No. CIC/SG/C/2009/001671

Complainant : Mr. Vikram Kakkar
T-11, First Floor
Prasad Nagar, New Delhi-110005

Respondent : Secretary,
The Delhi Public School Society
F-Block, East of Kailash,
New Delhi-110065

Facts arising from the Complaint:

Mr. Vikram Kakkar filed a RTI application with the DPS Society, New Delhi on 22/09/2009 asking for certain information. Subsequently, the Secretary, DPSS replied vide letter dated 21/10/2009 that the provisions of the RTI Act do not apply to the DPSS. Aggrieved by the response of the DPSS, the Complainant filed a Complaint with the Commission under Section 18 of the RTI ACT. On this basis the Commission issued a notice dated 10/12/2009 to the DPSS with a direction to prove whether or not the DPSS is a public authority for the purpose of the RTI Act based on the following criteria:

- 1) *Establishment of the DPSS:*
 - a) *Whether by a law made by parliament or state legislature*
 - b) *Whether by any notification or Order made by government*
- 2) *Whether the DPSS is:*
 - a) *Controlled by the government*
 - b) *Substantially financed directly by funds given the government*
 - c) *Substantially financed indirectly by funds given the government*

Subsequently, the Commission received a response from the Secretary, DPSS vide letter dated 29/12/2009. On the basis of which, it has been observed that the DPSS is clearly not a public authority as defined under the RTI Act. Hence the Complainant has no legally enforceable right under the RTI Act.

Decision:

The Complaint is dismissed.

The Delhi Public School Society is not a public authority as defined under *Section 2 (h)* of the RTI Act.

Notice of this decision be given free of cost to the parties.

Shailesh Gandhi
Information Commissioner
01/02/2010

(In any correspondence on this decision, mention the complete decision number.)(SP)

(For any further correspondence in this matter, please quote the file no. mentioned above)(SP)